


DOCKET NO.: ATTW01-00047

Customer No.: 34700

DAC/2665
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: : Siavash Alamouti et al.

Application No. : 09/594,467 

Filed : June 14, 2000

For : METHODS AND APPARATUS FOR USE IN
COMMUNICATING VOICE AND HIGH SPEED DATA IN A
WIRELESS COMMUNICATION SYSTEM

Group No. : 2665

Examiner : Duc Chi Ho

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

The undersigned hereby certifies that the following documents:

- 1) Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a);
- 2) Copy of Declaration;
- 3) Declaration in Support of Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a) with attachments; and
- 4) A Postcard receipt

relating to the above application, were deposited as "First Class Mail", addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 31, 2006.


Date: 3/31/06

Date: 3/31/06

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: manderson@davismunck.com



Mailer



Matthew S. Anderson
Reg. No. 39,093

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REQUEST FOR RECONSIDERATION OF PETITION PURSUANT TO 37 C.F.R.
§1.47(a)

Applicant's hereby Request Reconsideration of Petition pursuant to 37 C.F.R. §1.47(a) to permit joint inventors Siavash Alamouti, Jeffrey Battin, David B. Gibbons, James T. Golden, Michael R. Hirano, Elliott Hoole, Mary Jessee, Robert L. Maxwell, Steve McMeekin, David J. Nix, Greg J. Veintimilla and Hongliang Zhang to make application for patent of the above-identified patent application on behalf of themselves and the non-signing joint inventor David J. Ryan.

Enclosed herewith is a copy of the Declaration executed by inventors Siavash Alamouti, Jeffrey Battin, David B. Gibbons, James T. Golden, Michael R. Hirano, Elliott Hoole, Mary Jessee, Robert L. Maxwell, Steve McMeekin, David J. Nix, Greg J. Veintimilla and Hongliang Zhang and

a Declaration in Support of Petition Under 37 C.F.R. §1.47(a) signed by an authorized agent of the Assignee at time of filing. The Declaration in Support of Petition sets forth facts showing that this action is necessary to preserve the rights of the Assignee, Cingular Wireless II, LLC, and to prevent irreparable damage thereto. The last known address of the non-signing inventor is further noted in the Declaration in Support of Petition.

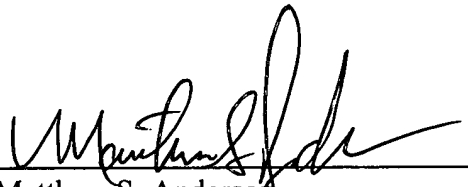
Although the Petition fee was previously paid, the Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Grant of the instant Petition is accordingly requested.

Respectfully submitted,

DAVIS MUNCK BUTRUS, P.C.

Date: 3/31/16


Matthew S. Anderson
Registration No. 39,093

P.O. Drawer 800889
Dallas, Texas 75380
Tel: (972) 628-3600
Fax: (972) 628-3616
Email: manderson@davismunck.com



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Methods And Apparatus For Use In Communicating Voice And High Speed Data In A Wireless Communication System**, the specification of which was filed on June 14, 2000, as application Serial No. 09/594,467.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119(a-d) or 365(a-b) of PCT or foreign application(s) for patent or inventors' certificate listed below or priority benefits under 119(e) of any United States provisional application(s) listed below and have also identified below any foreign application for patent or inventors' certificate having a filing date before that of the application on which priority is claimed:

U.S. Provisional Application Serial No. 60/140,649 filed June 23, 1999

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Samuel H. Dworetsky	(Reg. No. 27873)	Robert B. Levy	(Reg. No. 28234)
Thomas A. Restaino	(Reg. No. 33444)	Susan E. McGahan	(Reg. No. 35948)
Michele L. Conover	(Reg. No. 34962)	Gary H. Monka	(Reg. No. 35290)
Cedric G. DeLaCruz	(Reg. No. 36498)	Jeffrey M. Navon	(Reg. No. 32711)
Rohini K. Garg	(Reg. No. 45272)	Stephen J. Pentlicki	(Reg. No. 40125)
Thomas M. Isaacson	(Reg. No. 44166)	Alfred G. Steinmetz	(Reg. No. 22971)
Benjamin S. Lee	(Reg. No. 42787)		

I also appoint Terrance A. Meador (Reg. No. 30298), James P. Cleary (Reg. No. 45843), Travis L. Dodd (Reg. No. 42491), Charles D. Gavrilovich, Jr. (Reg. No. 41031), Gerald W. Maliszewski (Reg. No. 38054), John J. Oskorep (Reg. No. 41234), Steven R. Sprinkle (Reg. No. 40825), Mark M. Takahashi (Reg. No. 38631) and Barry N. Young (Reg. No. 27774) of Gray Cary Ware & Freidenrich as associate attorneys, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence to Mr. S. H. Dworetsky, AT&T Corp., P.O. Box 4110, Middletown, New Jersey 07748. Telephone calls should be made to Thomas M. Isaacson at 301-812-1047.

Full name of 1st joint inventor: Siavash Alamouti

Inventor's signature  Date 10/25/00

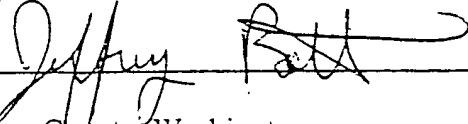
Residence: Seattle, King County, Washington

Citizenship: Canada

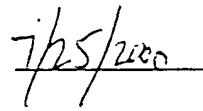
Post Office Address: 907 East Howe Street
Seattle, Washington 98102

Full name of 2nd joint inventor: Jeffrey Battin

Inventor's signature



Date



Residence: Duvall, King County, Washington

Citizenship: United States of America

Post Office Address:

31408 NE 163rd Street
Duvall, Washington

98019

Full name of 3rd joint inventor: David B. Gibbons

Inventor's signature D. B. Gibbons Date 7/27/2000

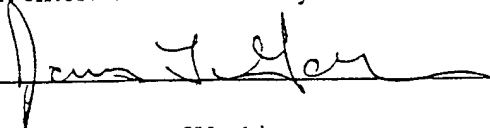
Residence: Redmond, King County, Washington

Citizenship: United States of America

Post Office Address: 23006 NE 18th Court
Redmond, Washington 98053

Full name of 4th joint inventor: James Timothy Golden

Inventor's signature



Date

8/24/00

Residence: Carnation, King County, Washington

Citizenship: United States of America

Post Office Address:

9333 318th Place NE
Carnation, Washington

98014

Full name of 5th joint inventor: Michael R. Hirano

Inventor's signature Michael R. Hirano Date 7/24/2001

Residence: Redmond, King County, Washington

Citizenship: United States of America

Post Office Address: 9309 138th Court NE
Redmond, Washington 98052

Full name of 6th joint inventor: Elliott Hoole

Inventor's signature Elliott Hoole Date 8/30/01

Residence: Redmond, King County, Washington

Citizenship: United States of America

Post Office Address: 22207 NE 28th Place
Redmond, Washington 98053

Full name of 7th joint inventor: Mary Jesse

Inventor's signature Mary Jesse Date July 28, 2000

Residence: Issaquah, King County, Washington

Citizenship: United States of America

Post Office Address: 19301 SE 16th Street
Issaquah, Washington 98026

Full name of 8th joint inventor: Robert Lee Maxwell

Inventor's signature Robert L. Maxwell Date 7/27/00

Residence: Duvall, King County, Washington

Citizenship: United States of America

Post Office Address: 28319 NE 147th Court
Duvall, Washington 98019

Inventor's signature Steve M. Weber Date July 27, 2000

Post Office Address: 1155 Lazy Z Road
Nederland, Colorado 80466

Full name of 10th joint inventor: David J. Nix

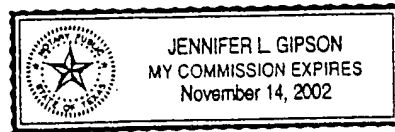
Inventor's signature David J. Nix Date 9-1-00

Residence: Austin, Travis County, Texas

Citizenship: United States of America

Post Office Address: 124 Medalist Drive
Austin, Texas 78734

State of Texas
County of Travis



Jennifer L. Gipson 9-1-00

Full name of 11th joint inventor: David James Ryan

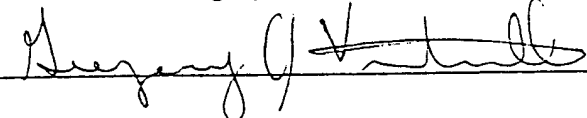
Inventor's signature _____ Date _____

Residence: Oakland, Alameda County, California

Citizenship: United States of America

Post Office Address: 4096 Piedmont Avenue, #353
Oakland, California 94611

Full name of 12th joint inventor: Gregory J. Veintimilla

Inventor's signature  Date 8/30/00

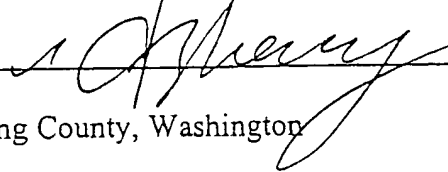
Residence: Redmond, King County, Washington

Citizenship: United States of America

Post Office Address: 23415 NE 27th Street
Redmond, Washington 98053

Full name of 13th joint inventor: Hongliang Zhang

Inventor's signature



Date

July 26, 2000

Residence: Bellevue, King County, Washington

Citizenship: Canada and People's Republic of China

Post Office Address:

14703 NE 39th Street, #1023
Bellevue, Washington 98007



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In re application of : Siavash Alamouti et al.
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COMMUNICATION SYSTEM
Group No. : 2665
Examiner : Duc Chi Ho

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sirs:

**DECLARATION IN SUPPORT OF REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. §1.47(a)**

I, Matthew S. Anderson, Affiant herein, hereby state and declare as follows:

1) I am a registered patent attorney, Registration No. 39,093. I am currently handling the prosecution of the subject patent application on behalf of the current Assignee Cingular Wireless II, LLC.

2) I have been granted full Power of Attorney by the Assignee.

3) Further to attempts by previous counsel to reach inventor David James Ryan noted in the Petition Under 37 C.F.R. §1.47(a) filed on November 30, 2000, I sent a letter dated March 9, 2006 by Federal Express to Mr. Ryan enclosing a copy of the entire patent application, namely a complete specification, including claims and drawings, along with a Declaration to be executed by Mr. Ryan, at his last known address at 4096 Piedmont Avenue #353, Oakland, California 94611. A copy of the March 9, 2006 letter to Mr. Ryan is attached. A copy of the FedEx email confirmation of receipt by an H. Patel at the “front desk” of this address is also attached. The FedEx package was returned to me on March 31, 2006, marked “R.T.S. Not such person. Moved” [*sic*].

4) To date, Mr. Ryan has not provided the signed Declaration.

5) On information and belief, at the time Mr. Ryan listed his address as 4096 Piedmont Avenue #353, Oakland, California 94611, this address was a “Mail Boxes Etc.” mail drop. On information and belief, this address is currently UPS Store #3270, including mailbox services. I believe that the H. Patel that signed for receipt of the FedEx package above is a UPS Store employee. I emailed UPS Store #3270 to attempt to locate Mr. Ryan or a forwarding address, copy attached, and received no response.

6) On information and belief, at the time the subject application was prepared and filed, Mr. Ryan was an employee of AT&T Wireless Services (AWS), the original assignee of this application. AWS later was purchased by Cingular Wireless, and became Cingular Wireless II, LLC. On information and belief, Mr. Ryan has never been an employee of Cingular Wireless II, LLC, and Cingular Wireless II, LLC., has no further information available for contacting Mr. Ryan. Further, on information and belief, Cingular Wireless II, LLC is unable to provide any current contact information on the coinventors of this application.

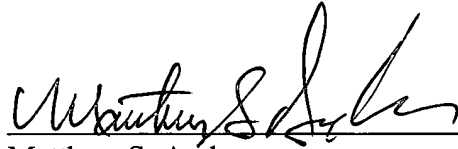
7) On information and belief, Mr. Ryan's address prior to the California address was 543 N. 71st Street, Seattle, Washington 98103. I researched the property records of this address. On information and belief, this address was a rental property at the time Mr. Ryan used it as his address. I attempted to locate and contact the person that owned the property at the time of Mr. Ryan's residence to request a forwarding address, and was unable to do so.

8) I performed a GOOGLE phonebook search of the states of California and Washington. I placed telephone calls to every phone number listed for a David J. Ryan or David James Ryan in the states of California and Washington. Those parties that answered the phone indicated that they were not the correct David Ryan. If there was no answer, whenever possible I left a message including a toll-free return telephone number, asking for a return telephone call if the recipient was a former employee of AT&T Wireless Services. I received no return telephone calls, and was unable to locate or contact Mr. Ryan by telephone.

8) I performed GOOGLE searches on various permutations of Mr. Ryan's name and such search terms as "wireless", "cellular", "OFDM", "AT&T", and others in an attempt to locate some indication of Mr. Ryan's current residence or employment. I was unsuccessful in locating Mr. Ryan.

9) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are also believed to be true. I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date: 3/31/06


Matthew S. Anderson
Registration No. 39,093

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *manderson@davismunck.com*

Matthew S. Anderson

From: TrackingUpdates@fedex.com
Sent: Friday, March 10, 2006 3:55 PM
To: Matthew S. Anderson
Subject: FedEx Shipment 792038965290 Delivered

Our records indicate that the following shipment has been delivered:

Tracking number:	792038965290
Reference:	ATTW01-00047
Ship (P/U) date:	Mar 10, 2006
Delivery date:	Mar 10, 2006 11:13 AM
Sign for by:	H.PATEL
Delivered to:	Receptionist/Front Desk
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	2.0 LB

Shipper Information	Recipient Information
Nancy Lamberti	David Ryan
Davis Munck PC	4096 Piedmont Avenue #353
13155 Noel Road	Oakland
900 Three Galleria Tower	CA
Dallas	US
TX	94611
US	
75240	

Special handling/Services:
Deliver Weekday

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Thank you for your business.

Matthew S. Anderson

From: Matthew S. Anderson
Sent: Thursday, March 02, 2006 11:26 AM
To: 'store3270@theupsstore.com'
Subject: David James Ryan

I'm trying to track down an inventor on a patent application, that in June 2000 listed his address as
David James Ryan
4096 Piedmont Avenue, #353
Oakland, California 94611

Mr. Ryan doesn't by any chance still have that box, does he? Did he leave a forwarding address? Any help you can give would be appreciated.

Thanks.

Matt
^^^^^^^^^^^^^^^^^^^^

Matt Anderson -- manderson @ davismunck.com
Davis Munck Butrus, P.C.
<<<http://www.davismunck.com/>>>
13155 Noel Road, Suite 900
Dallas, TX 75240
Phone 972.628.3670 Fax: 972.628.3616

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Locations

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Location:

4096 PIEDMONT AVE
OAKLAND, CA 94611-5221

Phone: (510) 923-0550

Fax: (510) 923-0429

→ [E-mail The UPS Store #3270](#)

Additional Information: NEXT DOOR TO STARBUCKS

Hours of Operation:

Monday 9:00am-6:00pm
Tuesday 9:00am-6:00pm
Wednesday 9:00am-6:00pm
Thursday 9:00am-6:00pm
Friday 9:00am-6:00pm
Saturday 10:00am-4:00pm

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Mailing and Shipping Services

Mail Box Services
(24-Hour Access*)
Mail Forwarding
Stamps & Metered Mail
Certified Mail/Return Receipt
Bulk Mailing
Global Mail Box Services
Overnight Document & Package Delivery
Ground/Air UPS Shipping and Receiving
TotalShipping™ (Freight Shipping)
Airborne
DHL
FedEx
UPS
USPS
Pick-up Service
Delivery Service
International Shipping

Packing and Moving Services

Packing and Moving Boxes
Estate Packing
Custom Crating
Gift Wrapping
Gift Boxes

Copy and Print Services

Full Service Black & White Copies
Self Service Black & White Copies
Oversized Black & White Copies
Black & White Copies-Output Direct from Computer
Color Copies
Color Copies-Output Direct from Computer
Multi-Color Duplicating
Printing Services: Business Cards, Envelopes and Letterheads
Digital Laser Printing
Wide Format Printing-Blueprints
Binding
Laminating
Collating
Full Range of Finishing Services
High Speed Folding
Padding
Shrink Wrapping
Specialty Paper Selection
Presentation Materials and Supplies
Commercial Accounts Available
Pick Up & Delivery Available
Full Service Document Design

Communication and Business Services

Fax Services, Send and Receive
Pre-Paid Calling Cards
Cablegrams/Telegrams/Mailgrams
Retail Computer Software
Computer Rental
Internet Access
E-mail Messaging
Resume Services
Black & White Scanning

Additional Products and Services

Notary Services
Fingerprinting Services
Passport Photos
Shredding Services
Office Products and Supplies
Promotional Products
Rubber Stamps
Engraving
Key Duplicating
Maps
Greeting Cards
Post Cards
Multiple Languages Spoken Here
Notary Services by Appointment